



STATE OF WASHINGTON
OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR

DIRECTOR'S REVIEW PROGRAM
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June 6, 2012

TO: Richard Wooster, Attorney at Law

FROM: Teresa Parsons, SPHR
Director's Review Program Supervisor

SUBJECT: Melida McLenan-Kenny v. Department of Labor & Industries (LNI)
Allocation Review Request ALLO-11-103

On April 24, 2012, I conducted a Director's review conference regarding the allocation of Melida McLenan-Kenny's position. Both you and Ms. McLenan-Kenny were present for the Director's review conference. Human Resources Consultant Debbie Yantis represented LNI. In addition, Ms. McLenan-Kenny's supervisor at the time of the request, Kim Oyawoye, Revenue Agent 4, and the current Fraud Prevention and Compliance Program Manager, Doric Olson, also participated in the conference.

Director's Determination

This position review was based on the work performed for the six-month period prior to September 27, 2011, the date LNI's Human Resources (HR) Office received Ms. McLenan-Kenny's request for a position review. As the Director's designee, I carefully considered all of the documentation in the file, the exhibits presented during the Director's review conference, and the verbal comments provided by both parties. Based on my review and analysis of Ms. McLenan-Kenny's assigned duties and responsibilities, I conclude her position is properly allocated to the Revenue Agent 2 classification.

Background

Ms. McLenan-Kenny formerly worked as an Industrial Relations Specialist and Workers Compensation Adjudicator 2. In 2009, Ms. McLenan-Kenny took a voluntarily demotion to a Revenue Agent 2 position in the Fraud Prevention & Compliance Collections Section of the Director's Office at LNI (Exhibit B-1). Ms. McLenan-Kenny worked with the unit's trainer, Jolene Skinner, on Wage Payment Act (WPA) collections and claims overpayment. A portion of Ms. Skinner's position had previously been devoted to WPA collections. In December 2009, Ms. McLenan-Kenny's position became the full-time position collecting for WPA (Exhibit A-2), though Ms. Skinner's position continued to have some involvement. Ms. McLenan-Kenny's former supervisor, Joseph Catalano, documented her duties in a Position Description Form (PDF) dated January 12, 2010 (Exhibits A-19 and B-10). In February 2011, Ms. Oyawoye began

supervising Ms. McLenan-Kenny's position. In March and April 2011, Ms. McLenan-Kenny began discussing her request for a position review with Ms. Oyawoye (Exhibit A-6 and A-9).

On September 27, 2011, LNI's HR Office received Ms. McLenan-Kenny's Position Review Request form (PRR) asking that her Revenue Agent 2 position be reallocated to the Revenue Agent 3 classification. Ms. Oyawoye completed the Supervisor Review section of the PRR but did not agree that the information on the PRR was accurate and complete (Exhibit B-6). Around the same time, Ms. Oyawoye had been working to update the PDF for Ms. McLenan-Kenny's position (Exhibit A-13 and B-9). On September 29, 2011, HR Consultant Debbie Yantis determined Ms. McLenan-Kenny's position was appropriately allocated as a Revenue Agent 2. In her review of the PRR and the January 2010 PDF, Ms. Yantis concluded Ms. McLenan-Kenny's duties included a full range of collection activities performed independently at the journey level (Exhibit B-4).

On October 26, 2011, the Office of the State Human Resources Director (OSHRD) received Ms. McLenan-Kenny's request for a Director's review of LNI's allocation determination (Exhibit A-1).

Summary of Ms. McLenan-Kenny's Perspective

Ms. McLenan-Kenny asserts her position serves as a WPA technical specialist in a high profile, specialty program. As such, she contends she performs collection activities for the most troublesome cases, which require the use of professional skip tracing methods, database searches, and collection organizations. Ms. McLenan-Kenny further indicates that she independently negotiates payment agreements. Ms. McLenan-Kenny asserts she is well versed and experienced as an Industrial Relations Agent (WPA Investigator) and that she has experience working as a certified journeyman Workers Compensation Adjudicator 2. Ms. McLenan-Kenny contends she had prior knowledge in WPA and industrial insurance and that she has shared her knowledge and experience with her trainer as well. Ms. McLenan-Kenny asserts she has a high volume of specialized cases that require manual tasks, as opposed to other collection cases where tasks are computerized. Further, she asserts that while she did receive help for clerical functions, no other position really had the knowledge to perform her duties due to the specialized nature of WPA. As a result, Ms. McLenan-Kenny contends the complexity of work and level of responsibility assigned to her position fit the Revenue Agent 3 classification.

Summary of LNI's Reasoning

LNI acknowledges work related to WPA is high profile and important because the department needs to ensure money for unpaid wages is collected. However, LNI contends Ms. McLenan-Kenny's duties do not reach the same level of complexity as those performed in specialty areas involving numerous debt streams with greater collection authority such as tax discovery or bankruptcy, which may involve working with the Attorney General's office or investigating and documenting criminal activity. Instead, LNI asserts the duties Ms. McLenan-Kenny described on the PRR fit the journey level described by the Revenue Agent 2 class specification. In addition, LNI indicates that while Ms. McLenan-Kenny may occasionally help train others, training is not a major component of her assigned duties. Finally, LNI asserts Ms. McLenan-Kenny's position has not been designated in writing to serve as a technical specialist. Therefore, LNI contends Ms. McLenan-Kenny's position does not meet the requirements of the Revenue Agent 3 class and that her position is properly allocated to the Revenue Agent 2 classification.

Rationale for Director's Determination

During the Director's review conference, Doric Olson, Fraud Prevention and Compliance Program Manager, provided an overview of the Wage Payment Act (WPA) functions within Fraud Prevention and Compliance. WPA is a specific set of laws that apply when an employer does not properly pay employees (Exhibit B-12). Staff members in the field investigate wage complaints (work Ms. McLenan-Kenny previously performed as an Industrial Relations Specialist). Staff in the field may then issue fines or findings. If the employer does not respond within a certain timeframe, the business area (Employment Standards) generates a Notice of Assessment (NOA) which establishes a legal debt. After the debt has been established, it goes to the Collections Unit (Ms. McLenan-Kenny's position).

Unlike the bulk of LNI collections involving workers' compensation premiums, specialty programs like WPA are governed by specific laws and have other debt streams. While a number of Revenue Agents work in offices throughout the state, a small number of Revenue Agents have been assigned to work in a central office performing specialized collections. The staff positions performing specialized collections range from Revenue Agent 1 to Revenue Agent 3, depending on the nature of collections they perform. At the time of this request, Ms. McLenan-Kenny's position had been assigned to work on WPA collections as a Revenue Agent 2 (also see Exhibits B-1 and B-2).

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

A summary of Ms. McLenan-Kenny's Position Description Form (PDF) from January 2010 includes the following (Exhibit B-10):

This position is a member of the Claims Recovery Unit of Fraud Prevention and Compliance directly responsible for the collection of Wage Payment Act funds. The Revenue Agent 2 is the journey level and is responsible for investigation and collecting from simple to complex wage complaint recoveries, enforcement of wage claims, and issuance of subpoenas. Compliance using the appropriate tools and skills for the collection on delinquent wage complaints.

The Revenue Agent contacts the employer (owner) to explain any penalty and interest and request payment. When voluntary payment is not made, the Revenue Agent can impose penalties assessed by Employment Standards at the NOA stage or invoke administrative and judicial remedies.

Before enforced collection or assessment procedures are completed, Agents may arrange for installment payments. When payment agreements fail, Revenue Agents may levy salaries or wages, bank accounts, and other assets, file a nominee lien or an administrative transfer of assessments, or seize and sell property.

Revenue Agents must analyze and interpret facts to determine the appropriate action to take to collect on the wage claim due.

In summary, the majority of duties on the PDF (50%) include indentifying, investigating, assessing, enforcing, and monitoring delinquent wage claim accounts. Additional duties include securing financial statements from debtors and evaluating assets and liabilities; negotiating payment agreements; issuing civil warrants and subpoenas; and filing legal action in Superior Court (20%). Duties also identified as (20%) include searching state and county records to locate personal and real property for attachment; filing judgments as required; and preparing and serving Notice and Order to Withhold and Deliver (NWD) on third parties (e.g. bank accounts, wages, accounts receivable).

On the Position Review Request (PRR) completed by Ms. McLenan Kenny, she describes her position's purpose as follows (Exhibit B-5):

In December 2009 the WPA position became full time because of the overwhelming number of claims. The position required technical skills for the time consuming and high volume cases for unpaid wages. This is a high profile position for the department and it is monitored closely.

On the PRR, Ms. McLenan-Kenny describes the majority of her work (55%) as initiating legal actions by issuing legal documents such as warrants, NWDs, wage garnishments, and contractor's bond referrals. She further indicates these tasks are preformed using a manual process. She described her remaining duties as follows:

- 15% Initial review of WPA – NOA/citation. Duties include professional skip tracing, automated database searches (DOL, LINIS, DOR, ESD, contractor's registration, Google, etc.) and contacting claimants or employers as necessary.
- 15% Respond to email inquiries and phone calls from employers, claimants, field agents, Spanish speaking [customers] Employment Standards Agents and Technical Specialist and other department staff. Review incoming written correspondence and respond in writing when necessary. Update database with response from legal [documents . . . file and mail].
- 10% Review existing WPA cases. . . .
- 5% Independently negotiate payment agreement and work in collaboration with Employment Standards Industrial Relations Specialists in Central Office.

Ms. McLenan-Kenny's supervisor, Kim Oyawoye, did not agree the duties reflected on the PRR were accurate and complete, and she completed the Supervisor Review section of the PRR (Exhibit B-6). During the Director's review conference, Ms. Oyawoye clarified that she mainly disagreed with Ms. McLenan-Kenny's percentages of time and that she also clarified information Ms. McLenan-Kenny had written on the PRR. Specifically, Ms. Oyawoye adjusted the percentages of time based on information Ms. McLenan-Kenny had provided to her in a July 2011 email that described the amount of time she spent performing certain tasks (Exhibits A-8 and B-8). Ms. Oyawoye also noted that all case files are "pre-investigated with the NOC already issued" because the investigation of claims is done by the business area (Exhibit B-6, page 5).

During the Director's review conference, Ms. McLenan-Kenny also stated that she had been authorized to perform certain legal actions such as issuing and vacating warrants without supervisory approval, which she asserted goes beyond Revenue Agent 2 level work. Ms. Oyawoye stated those had not been responsibilities Ms. McLenan-Kenny's position had been assigned to perform. Ms. McLenan-Kenny further clarified she had been negotiating payment agreements and issuing legal documents from the time she started in the position but that she had not done seizures, served summons, or testified in court. Additionally, Ms. McLenan-Kenny stated that she provided technical guidance to the position that created the NOAs and that she has answered questions for others in the program and worked with the trainer to help create a manual (Exhibits E and F).

When Ms. Yantis performed LNI's review of Ms. McLenan-Kenny's position, she stated that she did consider the information described on the PRR. Ms. Yantis also used a Revenue Agent Assessment form (tool) to document Ms. McLenan-Kenny's duties as part of her overall review (Exhibit B-3) and provided additional analysis of her allocation decision (Exhibits B-2 and B-11). During the Director's review conference, Ms. Yantis emphasized that Revenue Agent 3 Jolene Skinner had been assigned training responsibilities for the work unit (Exhibit G). Further, Ms. Yantis noted that the Program Manager for Fraud Prevention and Compliance at the time, Carl Hammersburg, had not designated Ms. McLenan-Kenny's position as a technical specialist (Exhibit B-2, page 4). Ultimately, Ms. Yantis concluded the duties described and level of responsibility aligned with the Revenue Agent 2 job class.

Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

The **Revenue Agent 3** definition reads as follows:

Serves as

- A lead worker over lower-level staff

OR

- The trainer for a functional or geographic unit

OR

- A technical specialist in a specific area such as Bankruptcy, Crime Victims Compensation, Tax Discovery or Field Compliance resolving complex and time consuming cases that involve investigating and documenting criminal activity for prosecution.

Ms. McLenan-Kenny's position has not been assigned lead responsibility. Although she does provide assistance and guidance to others in the program, as needed, training is not the primary focus of her position. Ms. McLenan-Kenny has not been designated as a trainer for the work unit.

During the timeframe relevant to this review, another position had specifically been designated as the trainer for the unit. It is undisputed the duties assigned to Ms. McLenan-Kenny's position that involve working on WPA collections are high profile and important. It is also undisputed that WPA collections are unique and operate under specific laws. However, the Fraud Prevention and Compliance Program Manager, Mr. Olson, indicated that the level of complexity varies from one specialty area to the next. While there are overlapping functions within the Revenue Agent class series, the Revenue Agent 3 distinguishing characteristics specifically state, "[p]ositions at this level are designated in writing" (Exhibit C-2).

Therefore, even though Ms. McLenan-Kenny's position operates under a specific statute and performs functions that differ from normal industrial insurance collection activities, her managers have not designated her position as a technical specialist. In this case, Ms. McLenan-Kenny's position has not been assigned duties and responsibilities that reach the degree of complexity anticipated by the Revenue Agent 3 classification the majority of the time.

The **Revenue Agent 2** definition states this position "[p]erforms the full range of revenue collection activities" (Exhibit C-1). Further, the Revenue Agent 2 distinguishing characteristics include the following:

At the journey level, independently performs routine to difficult collection activities that includes (but not limited to) seizures, successorships, revocations, delinquent claims accounts, mainstream delinquent accounts, tax discovery investigations, compliance corporate officer liability assessments, and prime contractor liability. Incumbents are experienced in utilizing professional compliance methods and have a detailed understanding of program goals.

Ms. McLenan-Kenny's position has been described as journey level, and she independently performs a variety of collection activities for WPA, primarily collections on delinquent wage claim accounts. In addition, while not exact, the following Revenue Agent 2 typical work examples are similar to the duties and level of complexity assigned to Ms. McLenan-Kenny's position:

- . . . interprets and explains complex policies, procedures, and legal provisions . . . and resolves questions, concerns, and objections;
- Performs credit analysis and evaluations of assets in connection with applications for partial discharge of property from the effect of liens, seizures and sales, currently not collectable accounts and closing agreements;
- Works difficult legal enforcement actions to include search warrants, preparation and service of hearing notices for revocation of registration certificates, documentation and justification in distraint or seizures involving taxpayer/debtor's personal property . . . ;
- Locates individuals and assets to satisfy outstanding . . . liability utilizing professional skip tracing methods that include field investigation, automated database searches, review of credit reports and utilizing an extensive network of third party contacts and professional law enforcement and collection organizations;
- Performs complex compliance activities involving taxpayer/debtor conferences, negotiations, surveillance, documentation and justification in distraint or seizures involving personal and real property;

- Represents agency in negotiating partial payment agreements based on detailed analysis and verification of financial information;
- Secures financial statements from taxpayers/debtors who claim inability to pay and evaluate stated or indicated assets and liabilities;
- Issues . . . warrants and effects filing in Superior Court when necessary to establish lien and/or take legal action; insures that taxpayers/debtors are given proper service and due process of law in legal proceedings; searches county records to locate and/or determine ownership of personal and real property for attachment by the state; prepares and serves Notice and Order to Withhold and Deliver (levy) on third parties in possession of assets of delinquent taxpayers/debtors (i.e., bank accounts, wages, accounts receivable, etc.)

A position's allocation is not a reflection of performance or an individual's ability to perform higher-level work. Rather, it is based on the majority of work assigned to a position and how that work best aligns with the available job classifications. Overall, the documents describing Ms. McLenan-Kenny's duties and responsibilities, as well as the descriptions of work she provided during the Director's review conference, are encompassed in the Revenue Agent 2 class specification.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 521 Capitol Way South, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 586-4694.

If no further action is taken, the Director's determination becomes final.

c: Melida McLenan-Kenny
Debbie Yantis, LNI
Lisa Skriletz, OSHRD

Enclosure: List of Exhibits

MELIDA McLENAN-KENNY v LNI

ALLO-11-103

A. Melida McLenan-Kenny Exhibits

1. Letter of appeal dated 10/24/11 and exhibit list (4 pages)
2. Email dated 2/25/10 from my previous supervisor, Joseph Catalano, indicating that as of Dec 2009 I became a full time Revenue Agent for Wage Payment Act. (1 page)
3. Email dated 3/18/11 from Diane Bren regarding WPA collections and 3/17/11 email from my trainer Jolene Skinner requesting help for WPA position. (3 pages)
4. Email from me dated 4/23/11 regarding bilingual pay. (1 page)
5. Email from Lynn Thompson dated 02/01/11 stating that Joel Richter and I start reporting to Kim Oyawoye today. (1 page)
6. Email to and from Ms. Oyawoye dated 04/06/11 regarding request for position reallocation. (4 pages)
7. Email from Ms. Oyawoye dated 04/25/11 regarding WPA help. (2 pages)
8. Email from me to Ms. Oyawoye dated 07/15/11 regarding write up. (3 pages)
9. Email from me to Deborah Yantis dated 09/06/11 requesting desk review (3 pages)
10. Email from Deborah Yantis dated 09/07/11 regarding desk review. (5 pages)
11. Email from me to Ms. Oyawoye dated 09/23/11 requesting her to complete her portion of the Position Review Request. (2 pages)
12. Position Review Request completed by myself since Ms. Oyawoye refused to assist me with this. (5 pages)
13. Email from me to Mr. Catalano and Ms. Oyawoye dated 09/26/11 regarding my PDF. (6 pages)
14. Copy of PDF sent to me by Mr. Catalano. This PDF was altered. It was not the one I signed on 01/05/10. (8 pages)
15. Email from me to Mr. Catalano dated 09/27/11 stating that PFD attached does not have the same information as the one I signed. (2 pages)
16. Email from me to Deborah Yantis dated 09/27/11 regarding my response to Mr. Catalano on 09/27/11. (2 pages)
17. Copy of 09/29/11 letter from the Department of Labor and Industries denying my request for reallocation to a Revenue Agent 3. (3 pages)
18. Copy of front page of my signed PDF requested by Deborah Yantis to begin the review of my reallocation request. I hand delivered to HR on 09/27/11 at 4:10 PM. (1 page)
19. Copy of my signed PDF on 01/05/10 under the supervision of Joseph Catalano. (7 pages)
20. Copy of my new unsigned PDF under the supervision of Kim Oyawoye. This has now been signed on 11/18/11. (6 pages)

B. LNI Exhibits

1. Director's Office organizational chart
2. Allocation Analysis-History of Wage Payment Act (pages 1-5)
3. Revenue Agent Assessment (pages 1-4)
4. LNI allocation determination letter September 29, 2011 (pages 1-3)
5. Position Review Request – employee copy (pages 1-5)
6. Position Review Request – supervisor copy (pages 1-6)
7. Wage Payment Act Collections Status Report/Action Plan (pages 1-2)
8. Email from Kimberly Oyawoye July 11, 2011: write for duties/expectations (pages 1-3)
9. 2011 PDF draft for update by supervisor–incumbent refused to sign (p. 1-6)
10. 2010 PDF (pages 1-7)
11. LNI rebuttal of Ms. McLenan-Kenny exhibit D (1 page)
12. RCWs 49.48.082 – 49.48.087 (pages 1-6)

C. Class Specifications

1. Revenue Agent 2 (174F)
2. Revenue Agent 3 (174G)

D. Additional exhibits submitted by Melida McLenan-Kenny for Director's Review on December 5, 2011 (page-numbered 1-71):

1. Comments regarding WPA Analysis. (3 pages)
2. Email dated 08/03/10 from Deputy Director, Ernie LaPalm, delighted with all accomplishments especially for dollars collected for workers. This was prior to having Ms. Oyawoye as my supervisor. (2 pages)
3. Email dated 10/12/10 from Diane Bren, Program Manager, stating that WPA collections are all being done in central office by one full time WPA revenue agent and a portion of another in the Claims Recovery Unit. (1 page)
4. Email dated 04/05/11 from Kimberly Oyawoye, Supervisor, stating that her, Jolene and I could get together the next day to discuss what Donna (Tax Service Rep) will be doing. This never happened. (1 page)
5. Email dated 04/06/11 from Ms. Oyawoye stating that today Jolene, her and I will be discussing again the help that I need. This never happened. (1 page)
6. Email dated 04/25/11 from Ms. Oyawoye stating that she sent an email to Ms. Bren regarding help for WPA. Stated that I will have two people helping me with the phone calls, mail and putting the files together. (2 pages)
7. Email dated 06/09/11 from Jolene Skinner, Revenue Agent 3-Trainer, regarding WPA update listing duties for Francie Minkler, Revenue Agent 2, and providing network location of the WPA Collections Databases to everyone listed in the email. This included Ms. Oyawoye. PRIOR TO THIS DATE MS. OYAWOYER DID NOT ACCESS THE WPA COLLECTIONS DATABASES. Response dated 06/10/11 from Ms. Bren, stating that the WPA update sounds like a good idea. (2 pages)

8. Email dated 06/14/11 from Carl Hammersburg, Fraud Prevention & Compliance Manager, stating that this is an excellent WPA Update and really appreciate the help from both Francie Minkler (Revenue Agent 2) and Donna Vance (TSR), as well as Moe (Maureen Wheaton, Supervisor-Region 4). (2 pages)
9. Email dated 06/24/11 from Jolene Skinner, Revenue Agent 3-Trainer, asking to begin cc Ms. Oyawoye on all WPA Collections related emails. (1 page)
10. Email dated 06/28/11 from me to Ms. Oyawoye regarding not using Jolene anymore as a resource. (1 page)
11. Email dated 07/12/11 from Ms. Bren showing that WPA increased 298% over FY 2010 and we did not have a full-time FTE collecting this debt until December 2009. Also stated that two staff was pulled out of the Claims Recovery Unit to make up the Specialty Collections unit (SC) during FY 2011. These two staff are Joel Richter (which specialty is not listed in the RA3 definition) and I. (1 page)
12. Email dated 07/25/11 from me responding to Ms. Oyawoye regarding waiving of penalty. Prior to this date, Jolene and I worked directly with Carlena Anderson, Industrial Relations Specialist, on deciding when penalties should be waived. (1 page)
13. Email dated 07/26/11 from me to Ms. Oyawoye regarding follow up on question on successorship. (1 page)
14. Email dated 07/27/11 from Ms. Oyawoye stating that a meeting will be set up to discuss the final details on how to proceed with successorship. This never happened. (1 page)
15. Email dated 08/04/11 from Ms. Oyawoye requesting that I hold off on successorship. (1 page)
16. Email dated 08/11/11 from me to Francie stating that I am spending too much time looking for files to return calls. Also email dated 08/16/11 from Ms. Oyawoye stating that I should send the file to the assigned person (1 page)
17. Email dated 09/20/11 requesting Francie to return a call to an employer assigned to her. Response from Francie stating that she is only issuing warrants and not returning phone calls. (1 page)
18. Email dated 09/20/11 from Ms. Oyawoye stating that was not part of the agreement and they can't expect us to return all those calls. To date, no response from Ms. Oyawoye regarding this issue. (1 page)
19. Email dated 09/21/11 from Francie stating that she does not know where to begin on tracking the payment for WPA. (1 page)
20. Email dated 09/19/11 sent to Francie from Mr. Zaragoza requesting a return call to the ER assigned to Francie. Response dated 09/20/11 from Francie to Mr. Zaragoza requesting that the call be referred to me. Response from Mr. Zaragoza to me requesting a call back to the employer. Forwarded email to Ms. Oyawoye stating that this is not working out (WPA help) and we need to go back to the drawing board. To date, no response from Ms. Oyawoye. (1 page)
21. Email dated 09/22/11 from Ms. Oyawoye stating that phone call to one of the employers assigned to Francie has been taken care of. (2 pages)
22. Email dated 09/23/11 from me to Ms. Oyawoye asking for clarification regarding Francie's help with WPA cases. To date, no response has been received from Ms. Oyawoye. (2 pages)
23. Email dated 10/03/11 from Francie to Christopher Bowe, Maureen Wheaton and Ms. Oyawoye stating that she has completed issuing warrants on the back log. Response dated 10/04/11 from Ms. Skinner dated 10/04/11 stating that information provided by Francie regarding the backlog is incorrect. (2 pages)

24. Email dated 09/06/11 from Kristine Tanna, Bankruptcy Unit Trainer, asking Ms. Oyawoye for clarification regarding filing wage claim with bankruptcy. Ms. Tanna has not had training on of WPA procedures. (1 page)
25. Email dated 10/13/11 from me to Ms. Oyawoye stating that I will notate the WPA file for Eagle Point Charters/Construction indicating that they are in bankruptcy. This is a Significant Employer Case (SEC). (2 pages)
26. Email dated 10/26/11 from me to Ms. Bren responding to question regarding personal liability (Eagle Point Charters/Construction – SEC) and breakdown of amount owed. Response from Ms. Bren stating that we should be collecting on these now. Response from me asking Ms. Bren who I should give the file to input in the ES Collections database. Note: Jolene Skinner transfer to another position. RA3-Trainer position is now vacant. (3 pages)
27. Email dated 11/15/11 from me to Ms. Oyawoye referencing the email sent to Ms. Bren regarding Eagle Point Charters/Construction and asking for instruction on who should I give the file to for inputting. Response from Ms. Oyawoye stating that it is only her and I to input information. (4 pages)
28. Email dated 10/13/11 from Ms. Oyawoye to Ms. Anderson requesting the total balance. Response from Ms. Anderson stating that she doesn't know, collections have the most up to date info (that would be me). Response from me providing the current balance. (3 pages)
29. Email dated 10/18/11 providing breakdown to Ms. Oyawoye and asking her if I would be responding to these request from Carlena. Jolene, RA3-Trainer would assist me with this when she could because of the high volume of files on my caseload. To date, no response from Ms. Oyawoye. (1 page)
30. Email dated 10/20/11 from me to Ms. Oyawoye requesting a response to employer since Jolene, RA-3 Trainer is no longer doing the payment posting. Response from Ms. Oyawoye to Ms. Anderson requesting the breakdown on the payments. (This is a function that I do but as stated above Jolene, RA3-Trainer would assist when she could) (1 page)
31. Email dated 10/19/11 to Ms. Oyawoye requesting clarification regarding payment posting since Jolene left the training position. Response dated 10/20/11 from Ms. Oyawoye stating that she was not informed that Jolene would no longer doing the payment posting. Ms. Oyawoye verbally asked me for the payments that were placed on my desk on 10/24/11. To date, did not received a response regarding who would be posting the payments. (1 page)
32. Email dated 11/02/11 from me to an employer explaining current balance owed. (1 page)
33. Email dated 11/08/11 from me to Ms. Oyawoye regarding the NWD's Folder. Responses dated 11/08/11 and 11/09/11. (3 pages)
34. Email dated 11/10/11 from me to Ms. Oyawoye regarding incorrect amounts in fields she inputted in ES Collections database. (1 page)
35. Email dated 11/14/11 from me to Ms. Oyawoye regarding vacations folders. Responses dated 10/28/11, follow up 11/10/11 and response dated 11/14/11 (3 pages)
36. Email dated 11/14/11 from me to Ms. Oyawoye regarding deleted record. (1 page)
37. Email dated 11/14/11 from Ms. Oyawoye regarding deleted record for WSR-Washington State Roofing. (1 page)
38. Email dated 11/15/11 from me to Ms. Oyawoye regarding incorrect date fields for Federal Trustee Services Co. To date, no response. (1 page)

39. Email dated 11/21/11 regarding interest calculations. To date no writing response from Ms. Oyawoye to Lightfleet Corporation. On 11/28/11 I returned a call to Lightfleet and provided Ms. Sexton with Ms. Oyawoye phone number. (3 pages)
 40. Email dated 11/22/11 from Francie asking who is sending her returned mail from WPA via interoffice. Response from me dated 11/22/11 and from Ms. Oyawoye dated 11/23/11. (1 page)
 41. Email dated 12/01/11 from me to Ms. Oyawoye asking where my new files are being kept. (1 page)
 42. Copy of award for outstanding achievement from Director Judy Schurke. (1 page)
 43. Copy of WPA Dollars Collected – FY 2008 – Current (1 page)
 44. Copy of Mr. Hammersburg power point presentation on “Fighting the underground economy” See under collections all-time record: Wage Payment Act collections to workers up more than 200%. (3 pages)
- E. Additional Exhibits submitted by Melida McLenan-Kenny's at Director's Review Conference
1. November 17, 2009 Email- Reassignments of older debts.
 2. Email dated October 8, 2010, with attachment referencing Extreme Auto Center
 3. Email dated November 8, 2010, with attachment referencing JT General Contracting
 4. Email dated February 14, with attachment referencing Juan A Gomez Trucking
 5. Warrant caption listing
 6. July 25, 2011 email chain regarding waiving penalties
 7. October 25, 2011, November 2, 2011 email chain regarding citations issued against WA Lease Management (informational only, outside timeframe)
- F. WPA Manual : Wage Payment Act, Collections Manual, September 15, 2011
- G. Additional Exhibits submitted by LNI in response to Ms. McLenan-Kenny's submitted at conference.
1. Attachment G-1 – Dated May 27, 2011, is a calendar entry where Ms. Skinner provided WPA training including the agenda items that would be covered in this training to the two individuals assigned to assist Melida with WPA collections. In addition it also includes others in various areas of the agency who requested this training.
 2. June 9, 2011, email from Jolene Skinner recapping training she provided on May 27, 2011.
 3. July 1, 2010, is an email where Ms. Oyawoye is instructing Ms. Skinner to write up the step by step instructions and provide them to Ms. Bren, Melida, and Mr. Catalano.
 4. January 2, 2011 email coordinating training to be provided by Ms. Skinner
 5. August 20 2010 email-Ms. Skinner seeking information to assist Melida in her training.
 6. September - November 2009. Weekly Training Summaries
 7. May 26, 2010, Email from Carlena Anderson, IRA requesting Ms. Skinner provide WPA collections training
 8. June 3, 2010 email from Jolene Skinner to Carlena Anderson regarding training documents prepared for the June 7, 2010 conference.
 9. Meeting notices sent from Jolene Skinner to Donna Vance for training on WPA
- H. Final Comments by Ms. McLenan-Kenny in response to LNI's Exhibit G.